

## BOARD OF ADJUSTMENT APPLICATION INFORMATION

### ALL APPLICATIONS MUST BE TYPED A PRESUBMITTAL CONFERENCE MUST BE HELD PRIOR TO SUBMISSION

The Board of Adjustment staff can be reached at (919) 560-4137. Key Leader Betty Johnson x225; Michael Stock x227.

### ONLY COMPLETE APPLICATIONS CAN BE SCHEDULED

Applications are accepted pending review for sufficiency, and are due in full by noon on the submittal deadline date.

The Board hears five types of cases; each has a specific application. The application is a form of written testimony used both to show how Ordinance considerations are addressed and to convince the Board that the required findings necessary for approval can be made.

A complete application includes:

- **General Application Form**: This one-page form lists the basic site, owner and application information.
- **Specific Application Form**: (Minor Special Use Permit, Temporary Use Permit, Variance, Appeal, Interpretation of District Boundary). Address the questions carefully and completely.
- **GIS Map(s)**: This map should highlight the site involved in your application, and show the full 300' notice area surrounding your site. For instance, **outline your property in red** on the appropriate GIS map(s); measure out from the edges of the property 300' in all directions and draw this 300' limit on the map(s). (Maps are available for a fee from the Durham County Tax Assessor's Office at 200 E. Main Street [old Court House], 1st Floor) or MIS, 4<sup>th</sup> Floor, City Hall. Property Identification Numbers (PINs) and tax map numbers are required.
- **Fee**: **Payment by check is preferred.**
- **Site Plan**: All use permits and most other applications require a site plan submitted with this application, and a site plan submittal for Development Review Board (DRB) review. When formal site plan approval is necessary, the plan submitted for BOA purposes must also be prepared by a professional. BOA submittal requires four prints of the site plan and an 11" x 17" reduction. The site plan needs to be clearly drawn, to a scale of 1" = 10', 20', 30', 40', 50', 60' or 100', as most appropriate. (Most cases involve small sites where 1" = 10' to 50' is suitable). **When formal site plan approval is also required, the site plan must be filed concurrently with the use permit request. Approval will be conditional on site plan approval.** The

**formal site plan must be reviewed by DRB prior to the case being heard before the Board of Adjustment.**

- **Plot Plan:** Required when submitting requests for nonconforming lots, fences, accessory dwellings, etc.
- **All items must be clearly shown and labeled (with their dimensions) on the plan.** Site plans submitted for DRB approval must meet Ordinance requirements, summarized on the DRB application checklist. Lot lines, building location, drive, parking and service locations and layout; any buffering, fencing, or screening, building access points, walkways; setbacks; street right-of-way and pavement width; distance from edge of street pavement to property line; any easements, streams; any other pertinent information about the existing site or proposal must be clearly shown and labeled. Also indicate adjacent uses.

**As Applicable:**

- **Supplemental Information:** As needed; address the proposal's conformance with supplemental requirements of the Zoning Ordinance.
- **Floor Plan:** For day care, nonconforming lot; bed & breakfast; accessory dwelling; boarding/rooming house; night club) requests
- **Elevations:** For nonconforming lot, over height fence or sign, accessory dwelling; adult establishment requests
- **Recorded Plat:** For nonconforming lot requests.
- **Written Order:** or decision being appealed, for appeal or interpretation requests

Applicants may provide other written, drawn or photographed material as may support the request. This material is retained as part of the application.

Applicants may represent themselves or have someone as their spokesperson. Applicant attendance **is required** at the hearing. The applicant has a very active role in the Board's consideration of requests and must provide sufficient evidence to convince the Board that the required findings can be made.

The Board will have had the staff report, and your application and map work. They will open the hearing, hear the report by staff and ask you or your representative to present your case. (Questions may be asked of you or others in attendance). Anyone attending in opposition also has the opportunity to speak or ask questions.

The Board may approve the request, approve it with conditions, continue it for more information, dismiss it or deny it. Approvals require a positive vote by 5 to be approved. All decisions are returned to the Board of Adjustment within the following month for their final approval. An aggrieved party (as defined by Ordinance) may file an appeal within 30 days, by following the procedures in the Board's Rules of Procedures, Section 4.4.3. Minor

Special Use Permits are typically issued with a validity period of two years, during which building permits, etc. are to be obtained. **The Board does not permit extensions.**

The Durham Board of Adjustment **typically** meets the 4th Tuesday of each month at **8:30 a.m.** in the 2nd Floor Committee Room of City Hall.

If you have any questions, please contact the City-County Planning Department at 560-4137 between 8:00 a.m. and 4:30 p.m. on weekdays.

In addition to the required material specified above, the applicant may provide any other written, drawn or photographed material to support his/her request.

**Please note: Any such additional material submitted will become part of the application, and as such cannot be returned.**

---

**(Completed by the Planning Department)**

<b>Date Filed:</b>		<b>Time Filed:</b>	<b>a.m./p.m.</b>
<b>Accepted by:</b>			
<b>Amount Paid</b>		<b>Amount Due:</b>	
<b>Other Items Due:</b>			
<b>Due Date:</b>		<b>Time Due:</b>	<b>a.m./p.m.</b>

[www.ci.durham.nc.us/departments/planning/](http://www.ci.durham.nc.us/departments/planning/)